

DUPLICATE COPY ORIGINAL

RECEIVED

DEC 21 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Joint Petition for Rulemaking)
on Cable Television Wiring)

RM No. 8380

COMMENTS OF
BUILDING INDUSTRY CONSULTING
SERVICE INTERNATIONAL

Building Industry Consulting Service International ("BICSI") submits these comments in response to the Commission's notice, DA 93-1343, November 15, 1993, of the submission of a Joint Petition for Rulemaking on subscriber access to cable home wiring. The Joint Petition was filed July 27, 1993 by the Media Access Project, U.S. Telephone Association and Citizens for a Sound Economy Foundation ("Joint Petitioners").

Joint Petitioners ask that the Commission expand on its decision earlier this year implementing Section 16(d) of the Cable Television Consumer Protection and Competition Act of 1992, P.L.102-385, 106 Stat.1460 (1992). The agency gave cancelling cable subscribers the right to prompt removal or to purchase, at their option, of the intra-premises wiring ("cable home wiring") situated between their television sets and an exterior "demarcation point" of the cable operator's "drop wire" to their homes.

Joint Petitioners request that subscribers be permitted to own and/or control cable home wiring not just upon termination but during periods of cable service as well. Acknowledging that such an allowance is not required by the 1992 Act, Joint Petitioners believe that it would increase competition and

No. of Copies rec'd
List ABCDE

244

diversity in programming available to subscribers and yield other consumer benefits. The action, they state, is fully within the Commission's general authority under the Communications Act.

BICSI supports the fashioning of rules for this purpose, so long as they are accompanied by the development of standards which are clear and fair to cable operators, consumers and third parties who may be called upon to install, maintain and repair cable home wiring.

BICSI's interest

BICSI is a 20-year-old, non-profit professional association whose 3500 members are interested in the design and installation of telecommunications facilities in buildings. These members include manufacturers, architects, engineers, consultants, contractors, local exchange providers, interconnect companies, and suppliers. Members who meet BICSI's stringent competency requirements are granted the professional designation of Registered Communications Distribution Designer (RCDD).

BICSI submitted on December 1, 1992 comments in Docket MM 92-260 suggesting that cable home wiring rules should parallel those adopted for telephone inside wire. The Commission's Report and Order ("Order"), FCC 93-73, was released February 2, 1993. Petitions for reconsideration have yet to be decided.

In declining to go beyond the minimum steps required by the 1992 Cable Act, the Commission expressed its general belief that "broader cable home wiring rules could foster competition and could potentially be considered in the context of other proceedings." The agency's decision to defer broader consumer protection measures stemmed, in part, from the "time constraints" of the 1992 legislation. (Order, ¶6) BICSI believes this rulemaking vehicle now allows the

Commission to afford the subject of cable home wiring rights, responsibilities and standards the deliberate consideration it deserves.

Workable standards are needed.

BICSI placed on the record of the initial cable home wiring rulemaking portions of a chapter on Local Area Networks ("LANs") covering coaxial cable, taken from its own Telecommunications Distribution Methods Manual. As evident from those materials, BICSI feels strongly about technically sound and commercially feasible standards and practices to govern installation, maintenance and repair of premises wiring.

Without expressing any opinion on outcomes, BICSI applauds the work of NCTA and the EIA Consumer Electronic Group, together comprising the ad hoc Cable Advisory Group, in the related cable compatibility docket ET 93-7, where further rulemaking is pending.¹ BICSI notes that Committee TR 41.8 (Premises Wire) of the Telecommunications Industry Association ("TIA") has proposed to include cable home wiring in its next revision of standards. The work of that committee, even if unfinished, would be a useful contribution to the record of the rulemaking sought by Joint Petitioners.

The possibility for increased telephone company participation in the video programming business of the cable television industry, whether by judicial and legislative actions or by mergers and investments lately in the news, increases the timeliness of the Joint Petitioners' proposal.

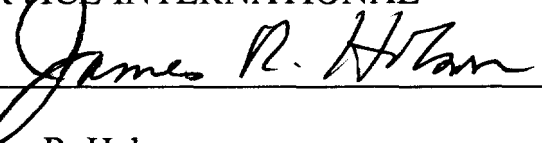
¹ Compatibility Between Cable Systems and Consumer Electronics Equipment, Notice of Proposed Rule Making, FCC 93-495, released December 1, 1993.

CONCLUSION

For the reasons set forth above, BICSI supports the request of the Joint Petitioners and urges the Commission to open promptly a rulemaking to gather information and views on apportionment of control over and responsibility for cable home wiring between consumers, cable operators and third parties who may become involved in installation, maintenance and repair.

Respectfully submitted,

BUILDING INDUSTRY CONSULTING
SERVICE INTERNATIONAL

By 

Robert Bader
President, BICSI
10300 University Center Drive
Suite 100
Tampa, Florida 33612

James R. Hobson
Donelan, Cleary, Wood & Maser, P.C.
1275 K Street N.W., Suite 850
Washington, D.C. 20005-4078
(202) 371-9500

December 21, 1993

ITS ATTORNEY

Certificate of Service

I hereby certify that I have caused to be delivered on the date shown, by hand or by first class mail, postage prepaid, copies of the foregoing Comments of Building Industry Consulting Service International to the following:

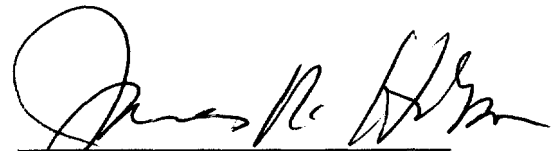
Alexandra Wilson
Chief, Cable Services Bureau
FCC, 2033 M Street N.W.
Washington, D.C. 20554

BY HAND

Gigi B. Sohn
Andrew Jay Schwartzman
Media Access Project
2000 M Street N.W.
Washington, D.C. 20036

Martin McCue
Vice President & General Counsel
U.S. Telephone Association
1401 H Street N.W., Suite 600
Washington, D.C. 20005

Phillip Mink
Citizens for a Sound Economy Foundation
1250 H Street N.W., 7th Floor
Washington, D.C. 20005



James R. Hobson
December 21, 1993